

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

RICHMOND DIVISION

COMMONWEALTH OF)
VIRGINIA EX REL. KENNETH)
T. CUCCINELLI, II,)
in his official capacity as Attorney)
General of Virginia,)
Plaintiff,)
v.)
KATHLEEN SEBELIUS,)
Secretary of the Department)
of Health and Human Services,)
in her official capacity,)
Defendant.)

No. 3:10-cv-00188-HEH

**ORDER GRANTING LEAVE
TO FILE BRIEF AS *AMICI CURIAE***

This matter is before the Court on the motion of *amici* the Cato Institute, the Competitive Enterprise Institute and Professor Randy E. Barnett for leave to file a brief as *amici curiae* supporting Plaintiff's Motion for Summary Judgment and opposing Defendant's Motion for Summary Judgment.

Having considered the motion, IT IS ORDERED that the motion for leave to file a brief as *amici curiae* is granted.

Done: Oct. 1, 2010

H /s/
Hon. Henry E. Hudson
United States District Judge